IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 24727 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ? NO

2 To be referred to the Reporter or not ? NO

3 Whether their Lordships wish to see the fair copy of the judgment ? NO

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ? NO

5 Whether it is to be circulated to the civil judge ? NO

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MANABHAI MANUBHAI MAKWANA - Petitioner(s)

Versus

STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MR HR PRAJAPATI for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1 - 2.
MR. L.R. Pujari, AGP,
M IA SHAIKH for Respondent(s) : 4,
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CORAM : HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 17/02/2006

ORAL JUDGMENT

1. Manabhai Manubhai Makwana, petitioner, has filed this petition challenging the order of detention dated 20.12.2005 passed by the detaining authority under the provisions of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 as being illegal, invalid and violative of Articles

14, 21 and 22 of the Constitution of India. This petition was filed on 26.12.2005. This Court issued Rule on 27.12.2005. I have considered the facts and circumstances of the case and the submissions of Mr. H.R. Prajapati, learned advocate for the petitioner. I have heard Mr. L.R. Pujari, learned AGP, on behalf of respondent Nos. 1 to 3. I have considered the submissions of Mr. M.A. Shaikh, learned Central Government Standing Counsel on behalf of respondent No. 4.

2. In view of the judgement of this Court dated on 17.2.2006 in Special Civil Application No. 24729 of 2005in the matter of Sureshbhai Sankarbhai Parmar Vs. State of Gujarat in which identical issue has been raised and for the reasoning given in that petition, this petition is required to be allowed and the same is allowed. The order of detention passed by the District Magistrate, Surendranagar District, dated 20.12.2005 is quashed and set aside. The petitioner- detenu Manabhai Manubhai Makwana is ordered to be set at liberty forthwith if he is not required in any other case. Rule is made absolute. Direct service is permitted.

(K.M. MEHTA, J)

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